

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JOHN P.,)	
)	
Plaintiff,)	
)	
v.)	2:21-cv-00318-JDL
)	
MARTIN O'MALLEY, ¹)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER ON PLAINTIFF'S MOTION FOR ATTORNEY'S FEES

Plaintiff moves (ECF No. 14) for an award of attorney's fees pursuant to 42 U.S.C.A. § 406(b) (West 2023). United States Magistrate Judge Karen Frink Wolf filed her Recommended Decision on the motion with the Court on December 20, 2023 (ECF No. 17), pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2023) and Fed. R. Civ. P. 72(b). The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge provided notice that a party's failure to object would waive the right to de novo review and appeal.

Having reviewed and considered the Magistrate Judge's Recommended Decision, I concur with the Magistrate Judge's conclusion that the requested award is reasonable.

It is therefore **ORDERED** that the Recommended Decision (ECF No. 17) of the Magistrate Judge is hereby **ACCEPTED** and the Plaintiff's Motion for Attorney's

¹ Martin O'Malley was recently confirmed as Commissioner of the Social Security Administration. He is therefore substituted as a party in this case. *See* Fed. R. Civ. P. 25(d); 42 U.S.C.A. § 405(g) (West 2023).

Fees (ECF No. 14) is **GRANTED** in the amount of \$9,230.12 pursuant to 42 U.S.C.A. § 406(b). The authorized award shall be paid out of Plaintiff's past-due benefits in accordance with Social Security Administration policies, subject to the requirement that counsel remit to Plaintiff \$598.12, the amount previously awarded pursuant to the EAJA.

SO ORDERED.

Dated: February 20th, 2024

/s/ JON D. LEVY
CHIEF U.S. DISTRICT JUDGE